

May 7, 1973

SENATOR DECAMP: Mr. President, this deals with the subject he's been talking about. The information I had Friday and which I have again confirmed this morning, is that the earliest any decision can be expected and this is from the mouth of the judge himself, is three to four weeks would be the absolute earliest. I think this is another example of how this issue has been so tremendously confused and why we have to kind of keep our heads on straight today and not get carried away on every rumor that comes along.

PRESIDENT: Attention, please, the final reading of LB 494. Excuse me, Senator Lewis? Yes sir.

SENATOR F. LEWIS: Mr. President, point of information.

PRESIDENT: Go ahead, sir.

SENATOR F. LEWIS: We are not reading 449 this morning, is that correct?

PRESIDENT: That is correct. Attention please, the final reading of 494E--with the E clause. Alright, because it was not on the list from the fiscal analyst as not having a general fund impact, that's all the Chair knows about it. Now what is your pleasure, gentlemen? Alright, Senator Cavanaugh, for what purpose do you rise?

SENATOR CAVANAUGH: Well, M--the reason we're not reading it is because it wasn't on the list from the fiscal analyst? Is that correct?

PRESIDENT: That's correct, as far as the Chair is concerned, yes.

SENATOR CAVANAUGH: Well, this is, this leads me back to the disturbance I've had over this whole way we've been conducting ourself, the fiscal analyst doesn't control this Legislature although he ostensibly has for the last two weeks by just rendering opinions. That bill has no fiscal impact whatever. Doesn't the Chair have any responsibility to make a determination there?

PRESIDENT: It's the Chair's understanding this was your own motion. The Chair doesn't determine--

SENATOR CAVANAUGH: The motion, the motion doesn't say that. The motion says that we won't consider any bills that have a fiscal impact. It doesn't say that the fiscal analyst is the supream determiner of who--what bill has fiscal impact.

PRESIDENT: Very good, then it's an issue perhaps that needs to be discussed here on the floor but at least at this particular moment, I only can go by what we have received in the way of instructions from the fiscal analyst in guiding us, excuse me, I'm not bound by that obviously, neither is the body, but that's the only procedure we have unless someone jumps up and objects and wants to change the order, fine. And again I would mention that if you get 25 votes, I presume that you can do most anything. Senator Carpenter has mentioned that several times.

SENATOR CAVANAUGH: What do we need 25 votes to overrule the fiscal analyst for? Is--I mean, that's what we're talking about.

PRESIDENT: Well because, by previous order you had ordered the fiscal analyst to proceed this way and that the body was going to be bound by whatever decision he made regarding the fiscal impact of bills. Let's see if we can get some more input. Stand by, Senator Cavanaugh. Senator Whitney.